

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 20, 1992
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:00 p.m. No quorum was present. A quorum was present at 2:05 p.m. with Council Members Roberts, Behr, and Filner not present. The City Manager reported on an article pertaining to waste management and environmental efforts as related to landfills. The City Manager thanked and recognized employees and citizens who assisted during the All Star game. The meeting was recessed by Deputy Mayor Roberts to convene the Housing Authority at 7:45 p.m. The meeting was reconvened by Chairperson Filner at 8:00 p.m. with Council Members Roberts, Hartley, Behr, McCarty, and Mayor O'Connor not present.

Due to lack of a quorum, Chairperson Filner adjourned the meeting at 8:11 p.m. to meet in Closed Session on Tuesday, July 21, 1992 at 9:30 a.m., in the 12th floor Conference Room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-Excused by R-280606
(out-of-town City business)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-not present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Donna Eubanks of the
Metropolitan Community Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
McCarty.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-30: PRESENTED

Presentation of a commemorative plaque in memory of
Robert J. Brocato for his sixteen years of service to
the City of San Diego in the Planning Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A098-123.)

Presentation made by the City Manager.

ITEM-31: (R-93-63) ADOPTED AS RESOLUTION R-280350

Proclaiming July 31 through August 9, 1992 to be "San
Diego Surf Cup Soccer Days" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A124-179.)

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed
by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Stevens-yea, Behr-not present,
Stallings-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-32: (R-93-70) ADOPTED AS RESOLUTION R-280351

Proclaiming July 20, 1992, to be "Z-90 Radio Station
Day" in San Diego and commending Z-90 for its
outstanding leadership and community service.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A180-229.)

MOTION BY STEVENS TO ADOPT. Second by Hartley. Passed by
the following vote: Wolfsheimer-yea, Roberts-not present,
Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-33: APPROVED

Approval of Council Minutes for the Meetings of:

6/29/92
6/30/92
6/30/92, held 7/1/92

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A230-235.)

MOTION BY STALLINGS TO APPROVE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-50:

Three actions relative to removing the Institutional Overlay Zone (IOZ) from school sites in San Diego:

(Districts 3 and 8. Introduced on 7/7/92. Council voted 8-0. District-8 not present.)

Subitem-A: (O-92-169) ADOPTED AS ORDINANCE O-17804
(New Series)

Rezoning the Adams Elementary School site from MR-1500B into the MR-2500 Zone.

Subitem-B: (O-92-168) ADOPTED AS ORDINANCE O-17805
(New Series)

Rezoning the Franklin Elementary School site from MR-1500B into the R1-5000 Zone.

Subitem-C: (O-93-1) ADOPTED AS ORDINANCE O-17806
(New Series)

Rezoning the Willow Road Elementary School site located at 226 Willow Road into the Community Plan Implementation Overlay Zone Type "B" (CPIOZ "B") (coastal/west portion and east portion).

FILE LOCATION: LAND - San Ysidro Community Plan

COUNCIL ACTION: (Tape location: A545-554.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-92-1856) ADOPTED AS RESOLUTION R-280352

Awarding a contract to Baker & Taylor, Inc. for furnishing library books and audio-visual materials, for an estimated cost of \$1,000,000, including terms, as may be required for a period of one year beginning July 1, 1992 through June 30, 1993, with options to renew the contract for four additional one year periods, with no changes in discounts.
(BID-P3153/92)

FILE LOCATION: CONT - PURCHASE - Baker & Taylor, Inc.
CONTFY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-101: (R-93-22) CONTINUED TO AUGUST 8, 1992

Inviting bids for the Construction of a Traffic Signal and Street Lighting System at Camino Ruiz and Flanders Drive, Kearny Villa Road and Kearny Villa Way and at Knoxville Street and Morena Boulevard on Work Order No. 119805; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$325,360 from CIP-68-010.0 Annual Allocation - Construction Top 10-15 Prioritized Traffic Signals Fund 30300, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, in CIP-68-010.0.
(BID-K3266/93)

(Serra Mesa, Mira Mesa and Clairemont Mesa Community Areas. Districts-5 and 6.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersection. Traffic signal features include emergency vehicle preemption equipment.

Aud. Cert. 9200907.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A383-404.)

MOTION BY STALLINGS TO CONTINUE THE ITEM TO AUGUST 3, 1992, TO REVIEW THE TRAFFIC LIGHTING IN DISTRICT 6 WITH STAFF AND PEOPLE IN THE COMMUNITY. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-93-21) ADOPTED AS RESOLUTION R-280353

Inviting bids for the Construction of Traffic Signals and Lighting at Fairmount Avenue and Landis Street on Work Order No. 112051; authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of \$105,280 from CIP-62-001.0, Annual Allocation - High Accident Locations, (\$100,000 from Gas Tax Fund 30219; \$5,280 from Capital Outlay Fund 30245), for providing funds for said project and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, in CIP-62-001.0.
(BID-K3267/93)

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians, and vehicles through the intersection. Traffic signal features include separate left turn phases on Fairmount Avenue and emergency vehicle preemption equipment for all directions.

Aud. Cert. 9200918.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, July 20, 1992**

Page 7

FILE LOCATION: W.O. 112051 CONT - Lekos Electric Inc. CONT
FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-93-66) ADOPTED AS RESOLUTION R-280354

Granting an extension of time to November 7, 1993, to Pardee Construction Company, subdivider, to complete the improvements required in South Creek Parcels 35-48 Unit No. 4.

(Sabre Springs Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On November 7, 1988, the City entered into an agreement with Pardee Construction Company, a California corporation, for the construction of public improvements for South Creek Parcels 35-48 Unit No. 4. The agreement expired on November 7, 1990. The subdivider has requested an extension of time to November 7, 1993 in which to complete the required improvements. The improvements are approximately 65 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD - South Creek Parcels 35-48 Unit No. 4

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-93-67) ADOPTED AS RESOLUTION R-280355

Approving the acceptance by the City Manager of a grant deed of Mobil Oil Corporation, granting to the City a permanent easement for public street purposes in a

portion of Lot 2 of University City Service Station Sites, Map-5291; dedicating said land as and for public streets and naming the same Genesee Avenue and Governor Drive.

(Located on the southwest corner of Genesee Avenue and Governor Drive. University Community Area. District-1.)

FILE LOCATION: DEED F-5861 DEED FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-93-69) ADOPTED AS RESOLUTION R-280356

Vacating the City's interest in an unneeded sewer, water, drainage and public utilities easement affecting Parcels 1 and 2 of Parcel Map PM-16818, pursuant to Section 8300 et seq. of the Streets and Highways Code.

(Located northwesterly of South Bay Freeway and Woodman Street. Paradise Hills Community Area. District-4.)

FILE LOCATION: DEED F-5862 DEED FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-92-2154) ADOPTED AS RESOLUTION R-280357

Authorizing the sale by negotiation of portions of Lot 7, Miscellaneous Map-20, Sikes Tract, Rancho San Bernardo, for the sum of \$10,000 to the City of Escondido; authorizing the execution of a grant deed, granting to the City of Escondido the above property; declaring that no broker's commission shall be paid by the City on the negotiated sale.

(Located at the intersection of Via Rancho Parkway and
Lomas Serenas Drive. Rancho Bernardo Community Area.
District-5.)

CITY MANAGER SUPPORTING INFORMATION: The subject property is required by the City of Escondido for a street widening of Via Rancho Parkway, consisting of a 120-foot right of way from Lomas Serenas Drive to the interchange at Interstate 15. Escondido previously received a right of entry permit from the City of San Diego on March 15, 1991. The parcels were acquired by the City of San Diego for street purposes. Escondido requires a small portion (.154 acres out of a total of 17.41 acres) for the widening. The Water Utilities Dept. has reviewed the proposed sale and has no opposition. The parcels were appraised at \$10,000 by the City of Escondido and the value as reviewed by the City of San Diego valuation staff.

FILE LOCATION: DEED F-5863 DEED FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-93-65) ADOPTED AS RESOLUTION R-280358

Proclaiming July 23, 1992 through July 30, 1992 to be "RIMPAC 1992 Week" in San Diego; extending friendship and appreciation to RIMPAC 1992 participants.

(Docketed at the request of Councilmember Behr.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108:

Three actions relative to authorizing Suggestion Awards
to the following City employees:

Subitem-A: (R-92-2096) ADOPTED AS RESOLUTION R-280359

Tony Padilla - Water Utilities - \$100.

Subitem-B: (R-92-2097) ADOPTED AS RESOLUTION R-280360

Colleen A. Blakely - Risk Management - \$160.

Subitem-C: (R-92-2098) ADOPTED AS RESOLUTION R-280361

Ken J. Brassard - Water Utilities - \$500.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by
Stallings. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present,
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-92-2034) ADOPTED AS RESOLUTION R-280362

Excusing Councilmember Tom Behr from attending the
following meetings due to being out of town on City
business: City Council meeting of May 5, 1992;
Committee of the Whole meeting on May 6, 1992;
Transportation, Planning and Environment meeting of May
27, 1992; and Council Budget Workshop of May 28, 1992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by
Stallings. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present,
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-93-6) ADOPTED AS RESOLUTION R-280363

Excusing Councilmember Tom Behr from attending the Council meeting of Tuesday, June 16, 1992, due to being out of town on City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-111: CONTINUED TO AUGUST 3, 1992

Two actions relative to Rancho Bernardo Rock Barriers:

(Rancho Bernardo Community Area. District-5.)

Subitem-A: (R-92-1626)

Authorizing the City Manager to establish a Cultural Resource Fund (10509) for the protection of cultural resources at Lake Hodges, to be administered jointly by the City's Planning and Water Utilities Departments; authorizing the City Auditor and Comptroller to transfer the amount of \$60,000 from Water Fund 41500 (P.E. 70322, Object Account 4222) to the Cultural Resource Fund (10509); authorizing the expenditure of an amount not to exceed \$50,000 from the Water Utilities Fund 41500, for the purpose of landscaping the rock barriers in connection with this activity.

Subitem-B: (R-92-1627)

Certifying that the information contained in DEP-89-1107 in connection with the Rancho Bernardo Rock Barriers, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Report and Mitigation, Monitoring and Reporting Program have been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: During recent years, land approximately south of Lake Hodges and west of Interstate 15 has been subjected to unauthorized use by off-road vehicle activity

and trash dumping. This resulted in degradation of the natural open space areas. Other unauthorized activities have included poaching of fish and wildlife, target shooting and hunting. Normal patrols and fencing have not prevented these activities from continuing. Therefore, in December 1988, rock materials excavated from the adjacent development in Westwood Valley were used to create barriers across various vehicular access points to the area. The barriers have subsequently eliminated virtually all dumping and other unauthorized activities within the open space. The placement of the barriers was done without environmental review and a portion of one of the barriers (now removed) did impact a known archaeological site. In addition, the visual quality of the area as was affected and landscaping has been proposed to reduce impacts. A subsequent Mitigated Negative Declaration was prepared which addressed these two issue areas: archaeological and visual quality resources.

Aud. Cert. 9200207.

WU-P-92-010.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A355-379.)

MOTION BY WOLFSHEIMER TO CONTINUE THE ITEM TO AUGUST 3, 1992, AS REQUESTED BY THE CITY MANAGER FOR COUNCIL MEMBER BEHR. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-93-9) ADOPTED AS RESOLUTION R-280364

Approving the Program Supplement No. 079 to Local Agency - State Agreement for Federal Aid Projects, No. 11-5004, for an estimated cost of \$1,996,500 for the Seismic Retrofitting of Harbor Drive Bridge (OH Br. No. 57-196).

(District-8.)

CITY MANAGER SUPPORTING INFORMATION: Following the October 17, 1989, earthquake in the San Francisco area, an action was taken by the state legislature to establish a State and Local Agency Transportation Structure Retrofit Program. The provisions of this program are contained in SB 36X and its counterpart AB 38X. Twenty million dollars have been appropriated for the local

agency portion of the program. The intent of the legislature is that the money appropriated for the local portion of the program be matched with federal aid and other funds available to the local agencies, and this is consistent with the intent to match funds on the state side as well. The subject agreement for Federal-Aid projects, No. 11-5004, will be for the seismic retrofitting of the Harbor Drive Overhead Bridge (57C-196). The California Department of Transportation has estimated the total project cost to be \$1,996,500. This agreement will reimburse to the City 100 percent of the total cost.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-93-68) ADOPTED AS RESOLUTION R-280365

Authorizing the execution of an encroachment removal agreement with Presidio Place Homeowners Association, Inc., for the construction of a private administration and guard office in the median of Colusa Street.

(Located south of Friars Road between Freeways 5 and 163. Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The homeowners association of Presidio Place Condominiums, which is located at the south end of Colusa Street, has applied for an encroachment removal agreement to construct a private guard shack in the median of Colusa Street south of Friars Road. The existing guard shack located outside of the right of way near the east entrance, does not provide adequate visibility. The guard shack is proposed to be constructed in the center median to provide adequate visibility to deter vandalism. Section 62.0303-(c) of the San Diego Municipal Code requires City Council's approval for encroachments which, in the opinion of the permit issuing authority, are of sufficient public interest. Approval of this encroachment is recommended.

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-93-19) ADOPTED AS RESOLUTION R-280366

Authorizing the execution of a fourth amendment to the agreement with the County of San Diego, to increase fees charged for the burial of indigent persons at Mount Hope Cemetery.

(Mount Hope Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego entered into an agreement with the County of San Diego in 1964 whereby the County granted the City exclusive use and control for burial purposes of an approximately 10-acre parcel of land, then known as Evergreen Cemetery, adjacent to Mt. Hope Cemetery. In return, the City agreed to permit burials of indigent dead in Mt. Hope Cemetery and Evergreen Cemetery without charge to the County for the burial plot and to furnish perpetual care and cemetery services for these indigent burials for a set fee. The agreement was amended in 1968, 1980, and 1990 to update the fee schedule. This fourth amendment to the fee schedule would assure the City full cost recovery for the services provided and would result in additional revenues of approximately \$3,800 per year. It was approved by the County on May 12, 1992, to be effective June 1, 1992:

Total	Perpetual Care	Openings & Closings	Grave Liner	Filing & Recording
Current Schedule				
Adult	\$126.00	\$121.00	\$50.00	\$297.00
Child	126.00	111.50	25.50	263.00
Infant	90.00	64.00	-	154.00
Ash Burial	45.00	60.00	-	105.00
Revised Schedule				
Adult	\$126.00	\$165.00	\$50.00	\$45.00
\$386.00				
Child	126.00	156.00	25.50	45.00
\$352.50				
Infant	90.00	75.00	-	45.00
\$210.00				
Ash Burial	45.00	70.00	-	45.00
\$160.00				

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-93-10) ADOPTED AS RESOLUTION R-280367

Authorizing the execution of a second amendment to the agreement with Nolte and Associates, to provide consultant services for the resubdivision of Eastgate Technology Park Unit No. 1; authorizing the expenditure of an amount not to exceed \$10,000 from CIP-39-202.0, Eastgate Technology Park Unit No. 3, Fund No. 30248, for the purpose of providing funds for the above project.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 15, 1991, the City Council amended the consultant services agreement with Nolte and Associates to create five new parcel maps and five tentative parcel maps for the area currently defined by Lots 2, 3, 5, 7, and 8 of Eastgate Technology Park Unit 1. After the execution of the amended agreement, it was decided to postpone the resubdivision of Lot 8, due to time constraints, and begin processing a parcel map to be filed over existing Lot 1. In addition, it was requested that reclaimed water lines be included within Lots 2 and 5. With the deletion of Lot 8 and inclusion of Lot 1 resubdivision, the new parcel maps to be filed over Lots 1, 2, 3, 5, and 7 would create 16 smaller lots. This change in scope will require that the existing contract be increased by \$10,000.

Since Nolte and Associates was the consultant on the initial subdivision of Eastgate Technology Park, the City Council approved the waiver of Council Policy 300-7 and hired this consultant as sole source. There are no subconsultants working on this project, and Nolte and Associates is neither a certified MBE nor a WBE firm.

Aud. Cert. 9201039.

FILE LOCATION: MEET CCONT FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-93-14) ADOPTED AS RESOLUTION R-280368

Authorizing the City Manager to execute an agreement with the San Diego County Water Authority, for its proportionate contributive support for a Multiple Species Conservation Plan; receiving \$250,000 from the San Diego County Water Authority to be deposited in Clean Water Program Fund 41509.

COMMITTEE ACTION: Reviewed by PFR on 7/8/92. Recommendation to approve the City Manager's recommendation. Districts 5, 6 and 7 voted yea. District 3 not present.

CITY MANAGER SUPPORTING INFORMATION: Both other public sector and private sector organizations will benefit from completion of the Multiple Species Conservation Program (MSCP) plan. Approval of the MSCP plan by the U.S. Fish and Wildlife Service and the California Department of Fish and Game will expedite the process of obtaining permits to construct facilities on lands containing endangered species habitats. Clean Water Program staff have identified the organizations most likely to benefit from the MSCP plan and have discussed with those organizations contributions to help pay for the MSCP plan. The San Diego County Water Authority (CWA) was the first of the organizations contacted to offer proportionate support.

The amount considered by the CWA to be a fair share or proportionate support for CWA projects is \$250,000, which is 8.4 percent of the \$2,987,105 total cost of the 30-month MSCP planning effort. According to the Special Terms and Conditions of the proposed agreement, funding by CWA would occur upon completion of certain tasks. In addition, CWA would receive one copy of all MSCP reports written by Ogden Environmental and Energy Services Company (the consultant preparing the MSCP plan) and one complete digital copy of the Geographic Information System (GIS) database developed for the MSCP plan. CWA agrees not to release any MSCP data to any third party without written concurrence from the City Manager. The City Manager recommends Council approval of this proposed agreement. It is anticipated that similar agreements with other public sector organizations will eventually cover at least half the total cost of preparing the MSCP plan.

WU-CWP-92-165.

FILE LOCATION: WATER - San Diego County Water Authority;
Multiple Species Conservation Plan CONT
FY93-1

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-93-71) TRAILED TO JULY 21, 1992, AS
UNFINISHED BUSINESS

Authorizing the City Manager to execute Phase 2 to the agreement with Ogden Environmental and Energy Services Company, for consulting services in connection with the Multiple Species Conservation Program; contingent on approval of the Fiscal Year 1993 CIP budget, the City Auditor and Comptroller is authorized to transfer an amount not to exceed \$60,000 from CIP-45-910.3 to CIP-46-154.0, as reimbursement for the amount advance to Phase 1 by Amendment No. 1 of this agreement; contingent on approval of the Fiscal Year 1993 CIP budget, the expenditure of an amount not to exceed \$879,899 from the Clean Water Program Sewer Revenue Fund (41509), CIP-45-910.3, Program Planning and Studies Activities, is authorized for the purpose of providing funds for Phase 2 (August 1, 1992 - July 31, 1993) of this program; authorizing the City Manager to finance or refinance this program with tax exempt securities, if circumstances so warrant.

(See City Manager Report CMR-92-220.)

COMMITTEE ACTION: Reviewed by PFR on 7/8/92. Recommendation to refer to the City Council without a recommendation. Districts 5, 6 and 7 voted yea. District 3 not present.

Aud. Cert. 9300022.

WU-CWP-92-164.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B383-C343.)

Motion by Roberts proceed with staff recommendation. Second by Stallings. Vote not taken. Trailed in order for staff to answer Council Member Stevens's concerns regarding the number of African-Americans employed by Ogden.

ITEM-200:

FY 1993 Annual Appropriation Ordinance and Related Actions:

(See City Manager Report CMR-92-221.)

Subitem-A: (O-93-14) HEARING HELD

First public hearing in the matter of:

An Ordinance adopting the Annual Budget for the Fiscal Year 1992-93 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: See Item 330 on the docket of Tuesday, July 21, 1992, for the introduction and adoption of the ordinance.

Subitem-B: (O-92-146 Cor.Copy) TRAILED TO JULY 21, 1992
AS UNFINISHED BUSINESS

Introduction of an Ordinance amending San Diego Municipal Code Chapter 2, Article 2, Division 18, Section 22.1801 to add the Neighborhood Code Compliance Department.

Subitem-C: (O-93-15) TRAILED TO JULY 21, 1992 AS
UNFINISHED BUSINESS

Introduction of an Ordinance amending San Diego Municipal Code Chapter 3, Article 5, Division 1, Section 35.0128; Chapter 9, Article 5, Division 1, Section 98.0503, for the purpose of adjusting the City's annual contribution to the Housing Trust Fund.

Subitem-D: (R-93-122) TRAILED TO JULY 21, 1992 AS
UNFINISHED BUSINESS

Amend Council Policy 600-13 regarding the San Diego Housing Trust Fund.

Subitem-E: (R-93-110) TRAILED TO JULY 21, 1992 AS
UNFINISHED BUSINESS

Amending Council Policy 100-03 regarding Transient
Occupancy Tax.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C347-D431.)

Motion by McCarty to hold a public hearing to amend the FBA
before removing the funding for the road. Second by
Hartley. No vote.

SUBSTITUTE MOTION BY FILNER TO APPROVE THE BUDGET AS
ORIGINALLY PROPOSED AND GO AHEAD WITH THE HEARING AS
RECOMMENDED BY COUNCIL MEMBER McCARTY. Second by Mayor
O'Connor. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present,
Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO RESTORE THE SALARY AND POSITION
SCHEDULE IN THE FINAL BUDGET AS RECOMMENDED BY THE CITY
MANAGER. Second by Stevens. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-not present, Stallings-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

MOTION BY FILNER TO PREPARE APPROPRIATE LANGUAGE AS
DISCUSSED AND RECOMMENDED BY THE CITY ATTORNEY AS RELATED TO
SECTION 9 OF THE ORDINANCE AND TRAIL COMPANION SUBITEMS B
AND C TO JULY 21, 1992. Second by Hartley. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

Motion by Stevens to refer the following items to the City
Manager for a report back: 1) prioritizing the budget; 2)
consideration of sunset legislation; 3) in regards to CDBG
funding, establish a review board for a review process
involving community participation. Second by Roberts. No
vote.

ITEM-201:

In the matter of proposed Ballot Propositions for the
November, 1992 Election:

A. APPROVED FOR BALLOT

Proposed Charter amendment, Section 103, pertaining to transfer of franchises.

B. APPROVED FOR BALLOT

Charter amendment to move the elections for City Council to the statewide elections held in even-numbered years.

C. APPROVED FOR BALLOT

Proposed Charter amendment, Section 55, Park and Recreation:

- That the Council shall annually officially dedicate any previously undedicated land for park and recreation purposes unless such dedication is deemed contrary to the public interest.
- Authorizing the Council by two-thirds vote, to realign or widen existing streets through dedicated park land to protect the public health or safety.
- That the dedication, setting aside or development of new non-park roads through dedicated parks or open space shall require prior approval by a majority vote of the electorate.

D. Recommendations from the Ballot Financing Committee:

- APPROVED FOR BALLOT
Library financing proposition.
- NOT APPROVED FOR BALLOT
A special tax for library equipment and operation.
- APPROVED FOR BALLOT
Amending or repealing the Peoples Ordinance of 1919.

E. APPROVED FOR BALLOT

A Charter amendment, requested by the Board of Education, San Diego Unified School District, to Elect Trustees by District only.

F. APPROVED FOR BALLOT

A Charter amendment, requested by the Board of Education, San Diego Unified School District, to Increase the Trustee Area from Five (5) to Seven (7).

G. APPROVED FOR BALLOT

A Charter amendment, requested by the Board of Trustees, San Diego Community College District, to specify the number of members of the Board of Trustees as five and to provide for their election by the voters of each trustee area, rather than by the voters of the whole Community College District at the general election.

H. POSTPONED BALLOTING

The Serra Cross at Presidio Park.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D432-I078.)

THE FOLLOWING MOTIONS WERE MADE AFTER CONSIDERATION OF EACH PROPOSAL:

THE CITY ATTORNEY WAS DIRECTED TO RETURN TO COUNCIL ON JULY 28, 1992 AT 2:00 P.M. WITH APPROPRIATE LANGUAGE FOR THOSE ITEMS APPROVED FOR THE BALLOT.

Proposal A:

MOTION BY HARTLEY TO DIRECT THE CITY ATTORNEY TO DRAFT LANGUAGE FOR AN ORDINANCE AND BRING IT FORWARD ON TUESDAY, JULY 28, 1992 FOR CONSIDERATION FOR THE SPECIAL ELECTION. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Proposal B:

MOTION BY FILNER TO ACCEPT OPTION "A" OF THE CITY CLERK'S REPORT AS AMENDED WHICH MOVES THE DISTRICTS TO EVEN YEAR ELECTIONS WHICH WOULD HOLD THE NEXT REGULARLY SCHEDULED OFF-YEAR ELECTIONS FOR ALL DISTRICTS AT THE REGULARLY SCHEDULED TIME BUT FOR THREE-YEAR TERMS, AND THAT WOULD THEN, BEGINNING IN 1996, THE ODD COUNCIL DISTRICT NUMBERS WOULD BE IN EVEN YEARS; AND BEGINNING IN 1998, THE EVEN NUMBERED DISTRICTS WOULD BE IN EVEN YEARS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

Proposal C:

Motion by McCarty to include in the final draft language "...unless depicted in community and general plans." Second by Stallings if written as an option. No vote.

MOTION BY HARTLEY TO PLACE LANGUAGE ON THE BALLOT FOR THE PROPOSED CITY CHARTER AMENDMENT AS RECOMMENDED IN THE PARK AND RECREATION BOARD DRAFT REPORT DATED JULY 17, 1992. TO ACCEPT COUNCIL MEMBER McCARTY'S AMENDMENT TO THE MOTION AS AN OPTION TO ADD THE FOLLOWING LANGUAGE, "... THAT UNLESS DEPICTED IN EXISTING APPROVED COMMUNITY PLANS AND GENERAL PLAN." DIRECT THE CITY ATTORNEY TO BRING BACK ALTERNATIVE ORDINANCES FOR CONSIDERATION. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

Proposal D:

Library Financing/A special tax for library equipment and operation:

MOTION BY McCARTY TO ACCEPT PLACING ON THE BALLOT FUNDING FOR THE REGIONAL LIBRARY WITH THE 21 BRANCH LIBRARIES AS CITED IN ITEM S407. TO ACCEPT THE REPORT FOR ITEM S407. TO NOT PLACE ON THE BALLOT THE OPERATING AND MAINTENANCE COSTS. TO ACCEPT THE RECOMMENDATION OF THE CITY ATTORNEY TO RETAIN THE LAW FIRM OF ROBINSON AND PEARMAN AND GRAY, CARY, AMES & FRYE AS BOND COUNCIL, NOT TO EXCEED \$20,000, TO PREPARE THE LEGAL WORK TO PLACE THE MATTER ON THE BALLOT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Substitute motion by Wolfsheimer to move forward with the branch libraries and defer the regional library and perhaps revisit it next year. No second.

Amending or repealing the Peoples Ordinance of 1919:

Motion by Hartley to prepare language for a combined ballot measure of the trash initiative and the police initiative contingent on: 1.) a 2/3's vote, and 2.) the successful passage of the initiative. To accept Council Member Stallings recommendation to draft language providing for a broader definition of police services and bring back to Council for consideration as an option for placing on the ballot. Second by McCarty for purposes of discussion. Failed. Yeas: 3,6,7; Nays: 1,2,4; Not present: 5,8,M.

MOTION BY HARTLEY TO DRAFT LANGUAGE TO COMBINE THE INITIATIVE PROPOSAL FOR THE TRASH AND POLICE AND THAT THE \$26 MILLION GOES FOR POLICE OFFICERS WITH A MAINTENANCE OF EFFORT. Second by McCARTY. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-nay, Mayor O'Connor-not present.

Proposals E, F, and G:

MOTION BY STEVENS TO APPROVE PLACING ON THE BALLOT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Proposal H:

MOTION BY WOLFSHEIMER TO ACCEPT THE RECOMMENDATIONS OF THE CITY ATTORNEY TO POSTPONE PLACING THE MATTER ON THE BALLOT AT THIS TIME DUE TO IT NOT BEING TIME SENSITIVE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-nay, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-202: (O-92-152) INTRODUCED, TO BE ADOPTED AUGUST 3,
1992

Introduction of an Ordinance authorizing the issuance and sale of Industrial Development Revenue Refunding Bonds in an aggregate principal amount not to exceed

\$400,000,000 and authorizing one or more loan agreements with San Diego Gas & Electric Company and one or more indentures in connection with the issuance of bonds and related matters.

(See City Manager Report CMR-92-230.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: I079-189.)

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE WITH MODIFICATION TO LANGUAGE IN THE LOAN AGREEMENT AS RECOMMENDED BY THE TREASURER OF SDG&E. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-203: (R-93-80 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-280369

Council confirmation of the following appointments by the Mayor to serve as members of the Elections, Campaign and Governmental Ethics Advisory Board, for terms expiring as indicated:

(See memorandum from Mayor O'Connor dated 7/8/92 with resume attached.)

Appointment to expire February 1, 1994:

Dan Stanford

Appointment to expire February 1, 1993:

Lisa Foster

Waiving the residency requirements for Dan Stanford, pursuant to Council Policy 000-13.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

MOTION BY WOLFSHEIMER TO ADOPT AS AMENDED, DELETING DAN STANFORD AS RECOMMENDED BY MAYOR O'CONNOR. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: (R-93-81) ADOPTED AS RESOLUTION R-280370

Council confirmation of the appointment by the Mayor of Joan E. Malone to serve as a member of the Commission on the Status of Women, for a term ending March 1, 1994, replacing Margaret S. Lacy, who has resigned.

(See memorandum from Mayor O'Connor dated 7/8/92 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-205: (R-93-82) ADOPTED AS RESOLUTION R-280371

Council confirmation of the reappointment by the Mayor of Denise A. Macias, to serve as a member of the Housing Commission, in the Tenant category, for a term ending January 2, 1994.

(See memorandum from Mayor O'Connor dated 7/8/92.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-206: (R-92-2133) ADOPTED AS RESOLUTION R-280372

Authorizing the execution of a Novalert Placement Agreement with Message Processing of California, Inc. (MPC), for a computer-managed, 24-line telephone, public information system, designed to warn the public and officials of pending or existing major emergencies.

CITY MANAGER SUPPORTING INFORMATION: The City's Emergency Operations Center currently has an 8-line computer telephone system (TIES - Telephone Information & Education System) that allows the public, media, and officials to call in and listen to a recorded message regarding the status of an emergency situation. The system is approximately 5 years old. MPC, Inc. has proposed to install a new, 24-line computer telephone system, "Novalert", in the City's Emergency Operations Center that would allow Emergency Management (OEM) to record a message regarding a current or pending emergency, and have the system initiate a callout to City officials and the public. This proposed system could reach 480 persons every ten minutes. OEM would use this system to provide immediate information to City officials on the status of an actual or impending emergency situation, recall command center staff, activate volunteers, and inform the media. The existing TIES system would continue to allow the public to call in for additional information and to provide daily, on-going preparedness and media information. MPC, Inc. enters into subscriberships with local businesses, schools, hospitals, residents, and other target-populations who pay a fee to MPC to receive updates on such things as pending severe storms, wide-spread evacuations, or other major emergencies. All subscriber contracts would be solely between MPC and the subscriber. The City would use the system at no cost for the purpose of alerting officials and staff, volunteers and the media of situations and would have first priority for use. This proposed system would greatly enhance the City's ability to keep officials and the public informed on emergency situations.

FILE LOCATION: MEET CONT FY93-1)

COUNCIL ACTION: (Tape location: A560-582.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-207: (R-92-2156) CONTINUED TO JULY 27, 1992

Authorizing the City Manager to renew the contract with the University of San Diego for the environmental mediation program for Fiscal Year 1993.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A380-382.)

MOTION BY McCARTY TO CONTINUE THE ITEM TO JULY 27, 1992, AS REQUESTED BY THE CITY MANAGER TO ALLOW TIME TO PREPARE BACKGROUND INFORMATION. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-208: TRAILED TO JULY 21, 1992 AS UNFINISHED BUSINESS

(Continued from the meeting of July 6, 1992, Item 202, at Councilmember Behr's request, for further review.)

Alternate Resolutions relative to the Equal Opportunity Contracting Program:

(See City Manager Report CMR-92-197.)

Subitem-A: (R-92-2121)

Approving the City Manager's recommendations on the Equal Opportunity Contracting Program to do the following: 1. Not to commission a disparity study; and 2. Not to convert the Minority Business Enterprise/Women Business Enterprise Program to an Economic Business Enterprise Program, as set forth in the City Manager's Report CMR-92-197, dated June 10, 1992.

Subitem-B: (R-92-2122)

Approving the recommendation of the Public Services and Safety Committee to do the following: 1) Commission a disparity study which includes the disabled community; 2) Maintain Minority & Women Business Enterprise Program intact with weighted criteria for MBE/WBE participation; 3) Empanel a Special Task Force to review the Minority/Women Business Enterprise Program; and 4) Request to investigate claims of fraudulent situations.

FILE LOCATION:

COUNCIL ACTION: (Tape location: I433-590.)

DUE TO LACK OF A QUORUM, THE ITEM WAS TRAILED AS UNFINISHED BUSINESS TO JULY 21, 1992, FOR CONFIRMATION OF THE CHAIR TO CONTINUE THE MATTER TO AUGUST 3, 1992, AT 2:30 P.M. TIME CERTAIN.

ITEM-209: (O-93-2 Cor. Copy) TRAILED TO JULY 21, 1992,
10:30 TIME CERTAIN, AS
UNFINISHED BUSINESS

Introduction of an Ordinance to amend San Diego Municipal Code Chapter X, Article 1, Division 5, Sections 101.0510.C.3.o, to amend the Conditional Use Permit (CUP) to permit correctional placement centers in any zone except residential, neighborhood commercial, A-1 areas and the Beach Impact Area (BIA) of the Coastal Zone, or in the Future Urbanizing area. Since the Conditional Use Permit Ordinance is applicable in the Coastal Zone, this action will also constitute an amendment to the City's Local Coastal Program (LCP). The environmental document has been certified.

(City-Wide.)

(The proposed amendment is the California Coastal Commission's suggested modification to the City's Local Coastal Program (LCP) amendment. Planning Department recommends approval of the amendment.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: I433-590.)

ITEM-S400: (R-93-100) ADOPTED AS RESOLUTION R-280373

Authorizing the City Manager to execute a document entitled "Western Loop Road Joint Use Agreement" with Pasadena College, dba Point Loma Nazarene College, which grants the College the non-exclusive right to use an existing road located on a portion of Sunset Cliffs Natural Park, with public access to also be allowed through the College property to the road, for a period of 25 years.

(Point Loma Community Area. District-2.)

NOTE: This is a negotiated settlement of pending litigation authorized in Closed Session on July 7, 1992 and July 14, 1992.

FILE LOCATION: PERM CUP 82-0205; CDP 87-0142 CONT FY93-1

COUNCIL ACTION: (Tape location: A585-B382.)

MOTION BY ROBERTS TO ADOPT, SETTling AS INDICATED IN CLOSED SESSION. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401:

(Continued from the meeting of July 13, 1992, Item 109, at Councilmember Wolfsheimer's request, to meet with staff for more information.)

Three actions relative to Street Dedication - El Camino Real:

(Located northwesterly of Carmel Mountain Road. Sorrento Hills Community Area. District-1.)

Subitem-A: (R-92-2130) ADOPTED AS RESOLUTION R-280374

Approving the acceptance by the City Manager of a grant deed of Loma Sorrento Investors, granting to the City an easement for public street purposes in a portion of the Northeast Quarter of the Southwest Quarter of Section 30, Township 14 South, Range 3 West, San Bernardino Base and Meridian; dedicating said land as and for a public street and naming the same El Camino Real.

Subitem-B: (R-92-2131) ADOPTED AS RESOLUTION R-280375

Approving the acceptance by the City Manager of easement deeds of Loma Sorrento Investors, granting to the City easements for drainage facilities and slope purposes in portions of the Northeast Quarter of the Southwest Quarter of Section 30, Township 14 South, Range 3 West, San Bernardino Base and Meridian.

Subitem-C: (R-92-2132 Rev. 1) ADOPTED AS RESOLUTION
R-280376

Starting for the record that the information contained in Environmental Mitigated Negative Declaration DEP-84-0519, in connection with the dedication of a

portion of El Camino Real, has been reviewed and considered by the Council.

FILE LOCATION: SUBITEM-A&C: DEED F-5855; SUBITEM-B: DEED
F-5856 DEED FY93-2

COUNCIL ACTION: (Tape location: A560-582.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S402: (R-92-2100) TRAILED TO JULY 21, 1992 AT 2:00
P.M.

(Continued from the meeting of July 13, 1992, Item 113,
at the City Manager's request, to meet with the City
Attorney's office to discuss the funding source
involved.)

Modifying FY 1992 CIP by adding CIP-29-787.0, La Jolla
Recreation Center Tennis Court No. 9; authorizing the
City Auditor and Comptroller to transfer \$100,000 from
PSD Fund No. 17000 to CIP-29-787.0, La Jolla Park and
Recreation Center Tennis Court No. 9.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The proposed addition to
the FY 92 CIP will provide funding for replacement of La Jolla
Recreation Center's No. 9 Tennis Court. This court has been
deemed unusable due to settlement from subgrade drainage
problems. The community has requested that this court be
replaced to provide for adequate facilities for tournaments and
programs that take place at the Center.

Aud. Cert. 9201002.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A471-478.)

MOTION BY WOLFSHEIMER TO TRAIL THE ITEM TO JULY 21, 1992, AT
2:00 P.M. AS REQUESTED BY THE CITY MANAGER. Second by Mayor
O'Connor. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present,
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-92-2054) TRAILED TO JULY 21, 1992 AS
UNFINISHED BUSINESS

(Continued from the meeting of July 13, 1992, Item 118,
at the City Manager's request, to analyze the language
in the agreement.)

Authorizing the execution of an agreement with the
United States, acting through the International
Boundary and Water Commission (IBWC), for a one-year
extension on the use of the Tijuana emergency
connection for conveyance, treatment and disposal of
Tijuana sewage by the San Diego Metropolitan Sewerage
System.

(See City Manager Report CMR-92-202. San Ysidro and
Tijuana River Valley Community Areas. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 6/24/92. Recommendation
to approve the City Manager's recommendation. Districts 3, 5, 6
and 7 voted yea.

WU-CWP-92-161.

FILE LOCATION:

COUNCIL ACTION: (Tape location: --.)

* ITEM-S404: (R-93-105) ADOPTED AS RESOLUTION R-280377

A Resolution approved by the City Council in Closed
Session on Tuesday, June 30, 1992 by the following
vote: Wolfsheimer-yea; Roberts-yea; Hartley-not
present; Stevens-yea; Behr-nay; Stallings-yea;
McCarty-not present; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$135,000 in the settlement of each and every claim
against the City, its agents and employees, resulting
from property damage to the Greens' residence resulting
from earth movement beneath and in the vicinity of the
Greens' residence at 5635 Desert View Drive and the
Coopers' residence at 5639 Desert View Drive (Superior
Court Case No. 625379, Green, et al. v. Cooper, et
al.). A previous payment of \$200,000 was made to the
Greens on May 28, 1992;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$135,000 made payable to Gary and Karen Green and their attorneys of record, Barnhorst, Schreiner and Goonan, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the property damage claim of Gary and Karen Green, against the City of San Diego, its agents and employees, as a result of the incident which commenced on June 19, 1990.

Aud. Cert. 9300041.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A560-582.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: TRAILED TO JULY 21, 1992, AS UNFINISHED BUSINESS

In the matter of local criminal justice issues.

(See City Manager Report CMR-92-219.)

COMMITTEE ACTION: Reviewed by PSS on 7/15/92. Recommendation to approve the City Manager's report and request that it be docketed as soon as possible for a discussion of a November ballot initiative. Districts 1,2,3,4 and 8 voted yea.

FILE LOCATION:

COUNCIL ACTION: (Tape location: --.)

ITEM-S406: TRAILED TO JULY 21, 1992 AS UNFINISHED BUSINESS

In the matter of local preference in City Contracts.

(See City Manager Reports CMR-92-199, CMR-92-92, CMR-92-59, CMR-91-492.)

COMMITTEE ACTION: Reviewed by PSS on 7/15/92. Recommendation to include in the 7/20/92 report to the Council on the MBE/WBE Program and Disparity Study, PS&S's desire to also study the need for local preference in performing the Disparity Study. The Manager and the Attorney were also requested to return to Committee with a report on how the City might encourage local hiring. Districts 1,2,3 and 4 voted yea. District 8 not present.

FILE LOCATION:

COUNCIL ACTION: (Tape location: I433-590.)

DUE TO LACK OF A QUORUM, THE ITEM WAS TRAILED AS UNFINISHED BUSINESS TO JULY 21, 1992, FOR CONFIRMATION OF THE CHAIR TO CONTINUE THE MATTER TO AUGUST 3, 1992, AT 2:30 P.M. TIME CERTAIN.

ITEM-S407: (R-93-108) ADOPTED AS RESOLUTION R-280378

Accepting the revised Branch Library Facilities Report dated June 1992, as described in the City Manager's Report CMR-92-209.

(See City Manager Report CMR-92-209.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G031-449.)

MOTION BY McCARTY TO ADOPT, ACCEPTING THE REPORT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Filner at 8:11 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I595).